

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
 )  
Revision of the Commission's Rules to Ensure ) CC Docket No. 94-102  
Compatibility with Enhanced 911 Emergency )  
Calling Systems )  
 )  
E911 Phase II Compliance Deadlines for Tier )  
III Carriers )  
 )

To: The Commission

**LITCHFIELD COUNTY CELLULAR, INC. dba RAMCELL OF KENTUCKY LLC  
PETITION FOR WAIVER OF THE LOCATION-CAPABLE HANDSET BENCHMARK  
DEADLINES**

Pursuant to Sections 1.3 and 1.925 of the Commission's rules,<sup>1</sup> Litchfield Country Cellular, Inc. dba Ramcell of Kentucky LLC ("Litchfield") hereby requests waiver of the location-capable handset deployment benchmarks applicable to Litchfield's Time Division Multiple Access ("TDMA") cellular system in the Kentucky 11-Clay RSA market until such time as Litchfield sells its system.<sup>2</sup>

The instant waiver is necessary because Litchfield has determined that it is not viable from a business standpoint to overbuild its current TDMA air interface system to employ an

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<sup>1</sup> 47 C.F.R. §§ 1.3, 1.925.

<sup>2</sup> Pursuant to a prior waiver granted to Litchfield, by October 31, 2005, twenty-five percent of all new handsets sold and activated by Litchfield must be location capable. By November 30, 2005, fifty percent of such handsets must be location-capable, and by December 31, 2005, one hundred percent of such phones must be location-capable. *See* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Order, 20 FCC Rcd 7709, ¶ 56 (2005) ("*E911 Small Carrier Relief Order*").

alternative air interface protocol and, thus, will be unable to meet the upcoming benchmarks as TDMA location-capable phones are not available. Litchfield is actively seeking to sell its cellular system and assign its FCC license to an operator who will be able to provide high quality service, including E911 Phase II service, to consumers within the rural counties that comprise its service area. In order to facilitate the sale of its TDMA system and to account for Commission Title III application processes, Litchfield requests a waiver of the upcoming October 31, November 30 and December 31, 2005 benchmark deadlines set forth in the *E911 Small Carrier Relief Order* through February 28, 2006, by which time Litchfield hopes to have identified a buyer for, and to have sold, its TDMA system.

## **I. BACKGROUND**

Litchfield is a small “Tier III” rural wireless carrier that operating a cellular TDMA network to provide wireless service in sparsely populated, rural counties in Kentucky. Because of the rural nature of Litchfield’s service area, a handset-based solution was best suited to meet the Commission’s E911 Phase II location requirements. However, due to the migration of large carriers away from TDMA technology, and the resultant reduced focus of manufacturers on equipment for use with TDMA systems, ALI-capable handsets were not available for TDMA networks.<sup>3</sup> TDMA’s diminishing role in wireless and the resultant unavailability of TDMA ALI-capable handsets compelled Litchfield to plan to transition its system to CDMA and seek administrative relief from the FCC.

To that end, Litchfield submitted a request for a limited waiver of Section 20.18(g)(1) of the Commission’s rules on April 14, 2004.<sup>4</sup> Litchfield’s request advised the Commission of the

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<sup>3</sup> See *E911 Small Carrier relief Order*, ¶ 134.

<sup>4</sup> Litchfield supplemented its original filing on July 2, 2004 and again on December 22, 2004.

lack of availability of ALI-capable TDMA handsets, and that Litchfield intended to construct a new CDMA network that would enable it to comply with the Commission's rules regarding the provision of E911 Phase II service using ALI-capable CDMA handsets. The Commission granted Litchfield's waiver request in its *E911 Small Carrier Relief Order*, set-out revised interim benchmarks for Litchfield to comply with as it began to roll out its CDMA network and handsets, and required Litchfield to submit a report on September 1, 2005 detailing its progress toward meeting these benchmarks. As will be discussed in Section III below, Litchfield's September 1<sup>st</sup> Interim Report notified the FCC that Litchfield would be unable to build the CDMA overlay and that it would seek a buyer for its system who would be capable of rapidly building out an overlay capable of supporting ALI-capable handsets.

## **II. LITCHFIELD'S E911 COMPLIANCE EFFORTS**

Litchfield has taken the responsibility of providing E911 services to its customers very seriously. As reported to the Commission in its Interim Report filed September 1, 2005, Litchfield has received PSAP requests for Phase I service (which it disclosed in its Interim Report for Tier III Carriers filed with the Commission on April 19, 2004), which it has implemented. Specifically, Litchfield is providing ANI data to those PSAPs, which includes the telephone number of the originator of the 911 call as well as the location of the cell site or base station receiving the 911 call. Further, Litchfield has received only three Phase II requests. Litchfield, through its E911 provider Syniverse Technologies, has advised those PSAPs of its current situation, and will continue to coordinate with them regarding their requests. Thus, Litchfield has satisfied all of the Phase I PSAP requests that it has received, and will continue to coordinate with PSAPs that have submitted Phase II requests.

### III. REQUEST FOR RELIEF

Litchfield originally intended to convert its network from TDMA to code division multiple access ("CDMA"), and to roll-out ALI-capable CDMA handsets in order to achieve Phase II compliance with its handset-based solution within the relevant benchmarks established in the *E911 Small Carrier Relief Order*. In the intervening months since it secured temporary relief from the Commission in that order, Litchfield has experienced additional financial setbacks which have made its planned CDMA conversion impossible. Litchfield determined that due to the costs of an overlay, the rural nature of the market, and financial setbacks, such a measure is not economically viable from a business standpoint and, thus, has initiated steps toward placing the markets for sale, including entering into discussions with potential brokers. In its September 1<sup>st</sup> Interim Report Litchfield notified the FCC of its dilemma and its plan to seek a buyer who would be able to provide high quality service, including E911 Phase II service, to consumers within the rural counties comprising its service area.

As Litchfield cannot implement a CDMA overlay, Litchfield is compelled to seek a waiver of the requirements of the *E911 Small Carrier Relief Order*'s October 31, November 30, and December 31, 2005 deadlines regarding the sale and activation of location capable handsets. Litchfield will continue to work with the relevant PSAPs during the transition to ensure that Litchfield's current customers will not experience loss of their current E911 functionality.

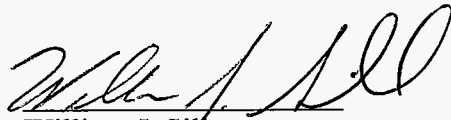
## CONCLUSION

For the foregoing reasons, strict enforcement of the requirements of the October 31, November 30, and December 31, 2005 deadlines set forth in the *E911 Small Carrier Relief Order* against Litchfield would be unduly burdensome and inequitable, and grant of the instant waiver request is consistent with the public interest, convenience, and necessity.

Respectfully submitted,

**LITCHFIELD COUNTY CELLULAR,  
INC. d/b/a RAMCELL OF KENTUCKY,  
LLC**

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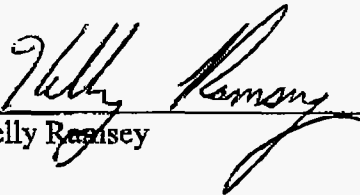
October 27, 2005

### DECLARATION OF KELLY RAMSEY

I, Kelly Ramsey, declare under penalty of perjury that the following is true and correct:

1. I am the General Manager of Litchfield County Cellular, Inc. d/b/a Ramcell of Kentucky, LLC ("Litchfield").
2. I have reviewed the foregoing Petition for Waiver of the Location-Capable Handset Benchmark Deadlines and believe it to be true and correct to the best of my knowledge, information and belief.

This Declaration is executed this 27<sup>th</sup> day of October, 2005.

  
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Kelly Ramsey